AMENDMENTS TO THE CLAIMS

The text of all pending claims, including withdrawn claims, is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with strikethrough. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please AMEND claims 1, 4, 5, 8-10, and 13 to read as follows:

1.   (CURRENTLY AMENDED) A method of recording data on an optical disc in an Incremental Recording mode in which data is partially recordable, the method comprising:

determining whether the optical disc is formatted and partially recording data other than formatting data on the optical disc upon determining that the optical disc is not formatted;

checking a state of the optical disc in a recording management area in which disc information is recorded; and

erasing, after the checking of the state, data ranging from a next writable address to a predetermined block upon determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area; and

recording a remainder of the data other than formatting data, after the erasing.

2.   (ORIGINAL) The method of claim 1, wherein the determining further comprises outputting a recording error message upon determining that the optical disc is formatted.

3.   (ORIGINAL) The method of claim 1, wherein the erasing comprises recording, after the checking of the state, data from a next address upon determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-out area.

4.   (CURRENTLY AMENDED) A computer readable medium encoded with processing instructions for implementing a method of recording data on an optical disc in an Incremental Recording mode in which data can be partially recorded, the method comprising:

determining whether or not the optical disc is formatted and partially recording data other than formatting data on the optical disc upon determining that the optical disc is not formatted;

checking a state of the optical disc in a recording management area in which disc information is recorded; and

erasing, after the checking step, data ranging from a next writable address to a

predetermined block upon determining that the optical disc is a Minimal Blank disc in which data is erased from the recording management area to a lead-in area; and

recording a remainder of the data other than formatting data, after the erasing.

5.　(CURRENTLY AMENDED) A method of recording data on an optical disc in an Incremental Recording mode, the method comprising:

determining whether the optical disc is formatted;

partially recording data other than formatting data to the optical disc at a desired position upon determining that the optical disc is not formatted;

checking whether the optical disc is Fully Blanked or Minimally Blanked after the ~~partial~~ partially recording ~~step~~;

erasing, after the checking, data from a portion of the optical disc that may lead to a recording or read out error upon determining that the optical disc is Minimally Blanked; and

recording ~~the~~ remaining data other than formatting data at the desired address on the optical disc after the erasing ~~step~~.

6.　(ORIGINAL) The method of claim 5, wherein the checking comprises checking a recording management area to determine whether the disc is Fully Blanked or Minimally Blanked.

7.　(ORIGINAL) The method of claim 5, wherein data ranging from a next writable address to a predetermined block is erased in said erasing.

8.　(CURRENTLY AMENDED) The method of claim 5, further comprising ~~a step of~~ outputting an error message upon determining that the optical disc is formatted.

9.　(CURRENTLY AMENDED) The method of claim 5, further comprising ~~a step of~~ recording, after the checking ~~step~~, data from a next address upon determining that the optical disc is Minimally Blanked.

10.　(CURRENTLY AMENDED) An apparatus for recording data on a Minimally Blanked optical disc in an Incremental Recording mode, the apparatus comprising:

a data eraser/recorder that, in response to a signal, partially records first data to a desired portion of the optical disc or erases data from a portion of the optical disc that may lead to a recording or read out error; and

a controller that determines whether the optical disc is formatted or unformatted, outputs

a signal to the data eraser/recorder to partially record the first data to the optical disc upon determining that the optical disc is not formatted, determines whether the optical disc is fully blanked or minimally blanked,

wherein, after the data eraser/recorder partially records <u>the first</u> data to the optical disc, the controller outputs a signal to the data eraser/recorder to erase second data from a portion of the optical disc that may lead to a recording or read out error upon determining that the disc is minimally blanked, and outputs a signal to the data eraser/recorder to record a remaining portion of the first data if upon determining that the disc is fully blanked or if after the second data is erased<u>, the first and second data being data other than formatting data</u>.

11.   (ORIGINAL) The apparatus of claim 10, wherein the desired portion of the disc is designated by a write start address and the portion of the optical disc from which second data is erased is the next writable address to a predetermined block.

12.   (ORIGINAL) The apparatus of claim 10, wherein the controller checks a value designated at a Field 0 of a recording management area of the optical disc to determine whether the optical disc is formatted or unformatted.

13.   (CURRENTLY AMENDED) ~~The apparatus of claim 10~~ <u>An apparatus for recording data on a Minimally Blanked optical disc in an Incremental Recording mode, the apparatus comprising:</u>

<u>a data eraser/recorder that, in response to a signal, records first data to a desired portion of the optical disc or erases data from a portion of the optical disc that may lead to a recording or read out error; and</u>

<u>a controller that determines whether the optical disc is formatted or unformatted, outputs a signal to the data eraser/recorder to partially record the first data to the optical disc upon determining that the optical disc is not formatted, determines whether the optical disc is fully blanked or minimally blanked,</u>

<u>wherein, after the data eraser/recorder partially records data to the optical disc, the controller outputs a signal to the data eraser/recorder to erase second data from a portion of the optical disc that may lead to a recording or read out error upon determining that the disc is minimally blanked, and outputs a signal to the data eraser/recorder to record a remaining portion of the first data if upon determining that the disc is fully blanked or if after the second data is erased,</u>

wherein the second data is one error correction code block from a next writable address.